

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RAY HARGROVE,

Plaintiff,

v.

RANDY WERTZ, et al.,

Defendants.

Civil Action No. 3:15-CV-954

(Judge Kosik)

ORDER

AND NOW this 10th day of September, 2015, IT APPEARING TO THE
COURT THAT:

(1) Plaintiff, Ray Hargrove, an inmate confined at the State Correctional Institution at Smithfield, Huntingdon, Pennsylvania, filed the instant civil rights action pursuant to 42 U.S.C. §1983;

(2) In the Complaint (Doc. 1), Plaintiff raises claims of verbal harassment, retaliation and racial disparity;

(3) On August 27, 2015, Magistrate Judge Martin C. Carlson filed a Report and Recommendation (Doc. 12), wherein he recommended that the Complaint be dismissed without prejudice to Plaintiff filing an Amended Complaint within twenty (20) days of the dismissal Order;

(4) Specifically, the Magistrate Judge screened the Complaint pursuant to 28 U.S.C. §1915A, and found that the Complaint failed to state a claim upon which relief may be granted as to the claims of verbal harassment, retaliation and racial disparity;

(5) On September 8, 2015, the Plaintiff filed an Objection (Doc. 14) to the Report and Recommendation, requesting an opportunity to file an Amended Complaint;

AND, IT FURTHER APPEARING THAT:

(6) We agree with the Magistrate Judge that Plaintiff's Complaint fails to state a claim and should be dismissed without prejudice to Plaintiff filing an Amended Complaint.

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Martin C. Carlson filed on August 27, 2015 (Doc. 12) is **ADOPTED**;

(2) Plaintiff's Complaint (Doc. 1) is **DISMISSED without prejudice**;

(3) Plaintiff is allowed twenty (20) days from the date of this Order in which to file an Amended Complaint; and,

(4) Plaintiff is advised that failure to file a timely Amended Complaint will result in dismissal of this action.

s/Edwin M. Kosik
Edwin M. Kosik
United States District Judge